

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In the Matter of the Complaint of Tamara Sopka, )  
Independent Administrator of the Estate of Orest )  
Sopka, Deceased and Axxess Holding Company, ) No. 15-cv-03230  
LLC as Owners of a 2012 Rinker 310 Express )  
motor vessel "AXESS", for Exoneration from or )  
Limitation of Liability. )

**MOTION TO ADOPT AND JOIN MOTION TO DISMISS**

NOW COMES the Claimant in Limitation, CREATIVE YACHT MANAGEMENT, INC. d/b/a SAILTIME CHICAGO ("Claimant"), by and through its attorneys, CURT J. SCHLOM and CORINNE CONRAD of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP, and hereby moves this Honorable Court to join in and adopt the Motion to Dismiss previously filed by Peggy M. Blenner, as Successor Administrator of the Estate of Megan Blenner, Deceased ("Blenner"). In support of this Motion, Creative Yacht Management, Inc. d/b/a Sailtime Chicago states as follows:

1. On April 13, 2014, Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased, and Axxess Holding Company, LLC filed their Petition for Exoneration From or Limitation of Liability under the Limitation of Liability Act, 46 U.S.C. §§ 30501 *et seq.* (Document No. 1).

2. On August 6, 2015, Blenner filed her Motion to Dismiss the Petition of Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased, and Axxess Holding Company, LLC under Rule 12(b)(6) (Document Nos. 25-27). Blenner's Motion to Dismiss asserts that Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased, and Axxess Holding Company, LLC failed to state a cause of action upon which relief may be

granted because the Limitation of Liability Act applies only to owners of vessels, and Orest Sopka was not an owner of the AXESS vessel.

3. The bases for dismissal raised by Blenner in her Motion to Dismiss also apply to Creative Yacht Management, Inc. d/b/a Sailtime Chicago.

4. The interests of judicial economy would be best served by an order from this Court permitting Creative Yacht Management, Inc. d/b/a Sailtime Chicago to adopt and join Blenner's Motion to Dismiss, including the Memorandum of Law, previously filed by Blenner, rather than file a separate and substantially similar motion.

WHEREFORE, Creative Yacht Management, Inc. d/b/a Sailtime Chicago, respectfully requests that this Court grant it leave to adopt and join the Motion to Dismiss and the Memorandum of Law previously filed by Peggy M. Blenner, as Successor Administrator of the Estate of Megan Blenner, Deceased.

Respectfully submitted,

**CREATIVE YACHT MANAGEMENT, INC.  
d/b/a SAILTIME CHICAGO**

/s/ Curt J. Schlom

Curt J. Schlom

Corinne L. Conrad

WILSON, ELSE, MOSKOWITZ,

EDELMAN & DICKER, LLP

55 W. Monroe Street, Suite 3800

Chicago, Illinois 60603

T: (312) 704-0550

F: (312) 705-1522

E-mail: [curt.schlom@wilsonelser.com](mailto:curt.schlom@wilsonelser.com)

E-mail: [corinne.conrad@wilsonelser.com](mailto:corinne.conrad@wilsonelser.com)